

**BEFORE THE AMERICAN ARBITRATION ASSOCIATION**  
(hereafter “AAA”)  
**The North American Court of Arbitration for Sport/AAA Panel**

**United States Anti-Doping Agency**  
(hereafter “USADA”)

Claimant

and

**Floyd Landis**  
(hereafter the “Athlete”)

Respondent

## Interlocutory Award no 2

Case No: 30 190 00847 06

## APPEARANCES

Claimant: Richard Young, Esq.; Mathew Barnett, Esq.

Respondent: Maurice Suh, Esq.; Howard Jacobs, Esq.; and, James C. Ho, Esq.

Athlete: Floyd Landis

UCI: No appearance

USA Cycling, Inc.: No appearance

WADA	No appearance
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**WE, THE UNDERSIGNED ARBITRATORS, having been designated by the above named parties and having been duly sworn and having duly heard the proofs and allegations of the parties MAKE THIS INTERLOCUTORY AWARD AS FOLLOWS:**

## **Background**

1. On March 17<sup>th</sup> 2007, the majority of the Panel issued the Interlocutory Award on the testing of additional samples provided by the Athlete during the 2006 Tour de France.
2. The majority stated the Panel's absence of juridical power or legal authority to restrict the gathering of potential evidence by any party to the proceeding. (¶ 20)
3. However, the majority of the Panel further reserved its "right to affirm or re-determine the ruling at the time of the request to admit the evidence as part of the arbitration proceeding." (¶ 23)
4. It is the Panel's understanding that the testing of the Athlete's additional samples commenced on April 16<sup>th</sup> 2007.
5. On April 27<sup>th</sup> 2007, the Respondent submitted a Motion in Limine seeking to exclude the testing results of these additional samples.
6. On April 30<sup>th</sup> 2007, the Claimant submitted its response to the Respondent's Motion in Limine.
7. On May 1<sup>st</sup> 2007, the members of the Panel having authored the majority Interlocutory Award released their interpretation of their Award to the effect that the Motion in Limine was moot since the Interlocutory Award had already decided the issue.
8. On May 2<sup>nd</sup> 2007, the Respondent filed a *Motion to Reconsider its order denying the Motion in Limine re Exclusion of Retesting Results*.
9. On May 2<sup>nd</sup> 2007, the Claimant submitted its opposition to Respondent's request that the Panel reconsider its decision of the Respondent's Motion in Limine.
10. On May 3<sup>rd</sup> 2007, the dissenting Panel member to the Interlocutory Award issued his dissent to the majority's decision rendered on May 1<sup>st</sup> 2007.

## **Ruling**

11. The *Motion to Reconsider* is hereby denied, with reasons to follow.

DATED this 8<sup>th</sup> DAY of MAY 2007.

For the Panel

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Patrice M. Brunet, Esq.  
Chairman

IN \_\_\_\_\_

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Prof. Richard H. McLaren, C.Arb Esq.

Dissenting: Christopher L. Campbell, Esq.